

REMARKS**BEST AVAILABLE COPY****OVERVIEW**

Claims 1-14 are pending in this application. Claims 1 and 7 has been amended. Claims 13-14 are new. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

ISSUES REGARDING SPECIFICATION

The Examiner has objected to the Abstract because the present Abstract uses the phrase "The present invention" which should be avoided. Applicant has amended the Abstract, removing the phrase "The present invention". Therefore, it is respectfully submitted that the objection to the Abstract should be withdrawn.

ISSUES UNDER 35 U.S.C. § 112

The Examiner has rejected claim 7 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, use of the term "type" in claim 7 is a relative term which renders the claim indefinite. Therefore, claim 7 has been amended to exclude the use of the term "type". Accordingly, this rejection should now be withdrawn.

ISSUES UNDER 35 U.S.C. § 103

Claims 1 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. US2005/0137877 to Oesterling et al. in view of U.S. Patent No. 6,825,875 to Strub et al. Applicant respectfully traverses these rejections.

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The Examiner characterizes Oesterling as disclosing a method for remotely controlling vehicle functions using a cell phone. As the Examiner recognizes, Oesterling does not disclose activating a walkie-talkie mode on the cell phone (Office Action, p. 4, lines 2-4). Therefore, the Examiner relies upon Strub et al as suggesting using a cell phone with a walkie-talkie function. The Examiner further indicates that "it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a cellular phone with a walkie-talkie function of Strub et al. in the communication system of Oesterling et al. with the motivation for doing so would allow a user with more option operating a cellular phone" (Office action, p. 4, lines 11-15).

The Examiner also recognizes that Oesterling et al in view of Strub et al. do not explicitly disclose controlling a vehicle lock, ignition, trunk release, and alarm functions (Office Action, p. 5). Claim 1 has been amended to make clear that the phone is used to control the vehicle when the phone is outside of the vehicle. Claim 1 has also been amended to specify that the vehicle function being controlled by the phone is "from the set consisting of a vehicle light function, a vehicle lock function, an ignition function, a trunk release function, and an alarm function." As the Examiner recognizes, neither Oesterling nor Strub disclose such a limitation. Claim 1 has also been amended to make clear that in claim 1 the phone can be used "instead of a keyfob transmitter." Support for this amendment is clear at least from the original specification, p. 3, lines 22-24.

There are significant differences between what is disclosed by Oesterling et al and Strub et al and what is claimed. Moreover, these differences provide the present invention with significant advantages. It observed, for example, that Oesterling is clearly directed towards a different context then what is claimed. Oesterling is directed towards processing speech input

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such as phone numbers or addresses by a telematics system in a vehicle. The invention of claim 1, however, uses a cell phone for a different purpose, to replace a keyfob transmitter. Thus, there is a need for a quick connection time, that the walkie-talkie mode of the phone provides. Neither reference recognize any need for a quick connection time when controlling vehicle functions. Neither Oesterling nor Strub discloses using a phone to replace a keyfob transmitter. Thus, there are significant differences between what is claimed and the prior art references alone or in combination.

With respect to claim 7, claim 7 has been amended to require "wherein the intelligent control is programmed to control at least one vehicle function from the set of a vehicle light function, a vehicle lock function, an ignition function, a trunk release function, and a vehicle alarm function." As this limitation is disclosed in neither Oesterling nor Strub et al, this rejection must be withdrawn as well.

Claims 2-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oesterling et al. in view of Strub et al. as applied to claim 1 and in further of Joao. This rejection is respectfully traversed. The differences between the Oesterling and Strub patents and claim 1, have already been discussed. Joao also does not remedy these deficiencies, as Joao is not directed towards the use of a cellular phone to control vehicle functions such as vehicle light, vehicle lock, ignition, trunk release and vehicle alarms.

Claims 8-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Oesterling in view of Strub, further in view of Joao. This rejection is respectfully traversed. The differences between Oesterling and Strub have already been discussed. Joao does not remedy these deficiencies as Joao is not directed towards a cellular phone used to control an intelligent control in a vehicle adapted to control the vehicle's functions such as light function, lock

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function, ignition function, trunk release function and vehicle alarm function. Moreover, claims 8-12 depend from claim 7 and should be allowable as depending from an allowable base claim.

NEW CLAIMS

Claims 13-14 are new. Support for these claims is clear from the application as originally filed, including the original specification, p. 2, lines 25-31. The limitations set forth in the new claims further distinguish over the prior art in that claim 13, requires, for example, "receiving by the cell phone a user selection of at least one vehicle from a predefined group associated with the cell phone; receiving by the cell a user selection of at least one vehicle function to be performed on the vehicle." These limitations are simply not present in any of the references cited. None of the references alone or in combination provide any motivation, teaching, or suggesting of using the walkie talkie mode of a cell phone for controlling a vehicle.


CONCLUSION

It is respectfully submitted that all claims are in proper form for immediate allowance. No additional fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

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Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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